

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,)
)
)
Petitioner,)
)
vs.) **Case No. 05-3424-CV-S-GAF**
)
UNITED STATES OF AMERICA, et al.,)
)
)
Respondents.)

ORDER

Now pending before the Court is petitioner's Complaint pursuant to 28 U.S.C. § 1331, in which he alleges that his constitutional rights have been violated and he seeks compensatory damages.

On August 29, 2006, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #8).

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that petitioner's Complaint pursuant to 28 U.S.C. § 1331 is dismissed with prejudice.

IT IS FURTHER ORDERED that the Assistant Federal Public Defender is withdrawn as counsel of record.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: September 22, 2006
SO ORDERED.

GARY A. FENNER, JUDGE
United States District Court

DATED: August 18, 1998